

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

EARNEST L. PHILLIPS,

Plaintiff(s),

vs.

JONATHAN COOPER, et al.,

Defendant(s).

2:14-cv-01973-APG-NJK

**REPORT AND  
RECOMMENDATION**

(Docket No. 11)

This matter is before the Court on Plaintiff's failure to comply with three Court Orders. Docket Nos. 12, 13, 15. On December 1, 2014, the Court ordered the Clerk of the Court to seal Plaintiff's application to proceed *in forma pauperis* as it contained improper confidential information. Docket No. 2. Thereafter, Plaintiff submitted two additional applications to proceed *in forma pauperis*, but failed to submit a redacted complaint. See Docket Nos. 5, 6. On December 29, 2014, the Court ordered Plaintiff to file a redacted version of his Complaint, in compliance with Federal Rule of Civil Procedure 5.2, no later than January 26, 2015. Docket No. 7. On January 22, 2015, Plaintiff submitted a fourth application to proceed *in forma pauperis*, but failed to attach a redacted complaint. Docket No. 11.

On January 26, 2015, the Court ordered Plaintiff to file a redacted version of his Complaint, in compliance with Federal Rule of Civil Procedure 5.2, no later than February 26, 2015. Docket No. 12. The Order advised Plaintiff that failure to comply would result in a denial of his application

1 to proceed *in forma pauperis*. *Id.*, at 2. Plaintiff has neither complied nor requested an extension  
2 of time in which to comply. *See* Docket.

3 On March 13, 2015, the Court issued an order to show cause for failing to comply with the  
4 Court's Order at Docket No. 12. Docket No. 13. The Court ordered Plaintiff to show cause, in  
5 writing, no later than April 13, 2015, why he should not be sanctioned, up to and including case-  
6 dispositive sanctions. *Id.* Plaintiff has neither complied nor requested an extension of time in which  
7 to comply. *See* Docket.

8 On March 26, 2015, the Court received mail returned as undeliverable to Plaintiff. Docket  
9 No. 14. The Court issued a second order to show cause on April 20, 2015, for Plaintiff's failure to  
10 update his address, pursuant to Local Special Rule 2-2. Docket No. 15. The Order advised Plaintiff  
11 that failure to comply would result in a recommendation of dismissal. *Id.*, at 2. The response to that  
12 order to show cause was due no later than May 4, 2015. *Id.* Plaintiff has neither complied nor  
13 requested an extension of time in which to comply. *See* Docket.

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1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed *In Forma Pauperis* be  
3 DENIED and that this action be DISMISSED without prejudice to Plaintiff's ability to commence  
4 a new action in which he either pays the appropriate filing fee in full or submits a completed  
5 application to proceed *in forma pauperis*.

6 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment  
7 accordingly.

8 **NOTICE**

9 These findings and recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after  
11 being served with these findings and recommendations, any party may file written objections with  
12 the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the  
13 findings and recommendations of a magistrate judge shall file and serve *specific written objections*  
14 together with points and authorities in support of those objections, within fourteen days of the date  
15 of service of the findings and recommendations. The document should be captioned "Objections  
16 to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file  
17 objections within the specified time may waive the right to appeal the District Court's Order.  
18 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the  
19 specific written objections are subject to the page limitations found in LR 7-4.

20 Dated: May 13, 2015

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24 NANCY J. KOPPE  
25 United States Magistrate Judge  
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